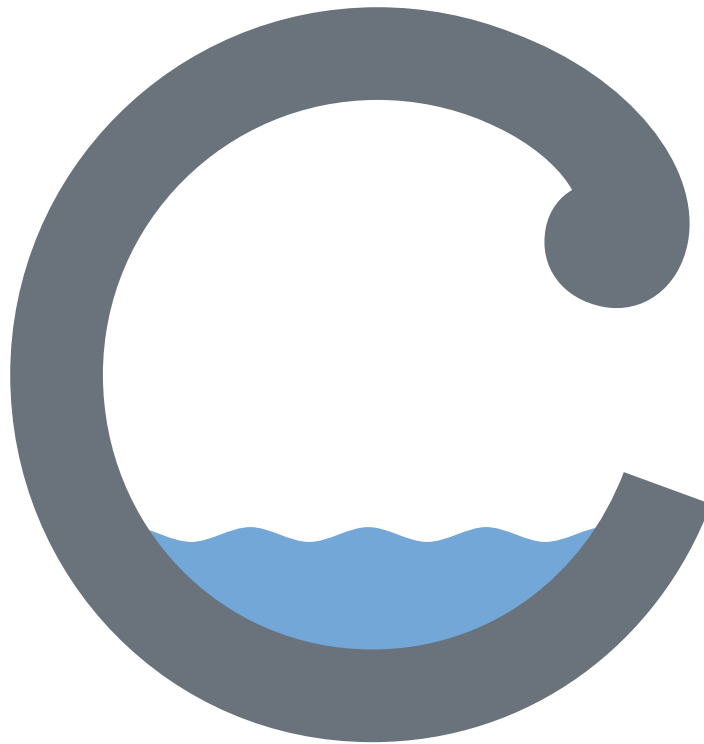


Waller Creek District

# CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING & BIDDING PHASE PLAN

Proposing Party: Waller Creek Conservancy



26 June 2019

COA CIP Project No. 12861.002



Waller Creek Conservancy  
PO Box 12363  
Austin, Texas 78711  
512-541-3520  
[www.wallercreek.org](http://www.wallercreek.org)

26 June 2019

Ms. Melba Whatley  
Vice President  
Waller Creek Local Government Corporation (LGC)

RE: Waller Creek District:  
Creek Delta Construction Documents, Permitting & Bidding Phase Plan

Dear Melba:

Enclosed herewith you will find the Creek Delta Construction Documents, Permitting & Bidding Phase Plan including design work from Lady Bird Lake north to 4<sup>th</sup> Street. This Phase Plan is covering professional services only; construction will be handled as a separate Phase Plan. Please refer to the enclosed Exhibit F for a Project Budget.

The Creek Delta Construction Documents, Permitting & Bidding Phase Plan includes the construction documentation work, permitting and project bidding for work along Waller Creek from Lady Bird Lake to 4<sup>th</sup> Street in Austin, Texas. Please see Exhibit A for the Project Area Diagram.

The Joint Development Agreement, Section 3, identifies the documentation required for each proposed phase plan. The attached check-list identifies all of the submission requirements including those applicable to this Phase Plan and where they can be found in this document.

If you have questions or concerns, please let me know and we will address them quickly.

Sincerely,

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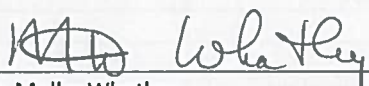
Peter Mullan  
Chief Executive Officer  
Waller Creek Conservancy  
**Proposing Party**

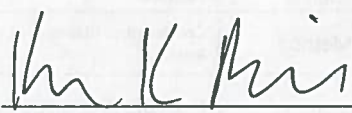
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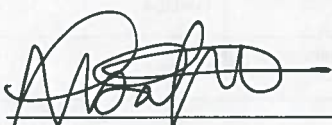


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The Phase Plan described in this document has been reviewed and approved specific to the scope described herein.

 6/26/2019  
\_\_\_\_\_  
Ms. Melba Whatley Date  
Vice President  
Waller Creek Local Government Corporation  
LGC Representative

 6/26/2019  
\_\_\_\_\_  
Ms. Kristin Pipkin Date  
Waller Creek District Program Manager  
Watershed Protection Department, City of Austin  
Responding Party/City Representative

 6/26/2019  
\_\_\_\_\_  
Ms. Lisa Storer Date  
Project Manager  
Parks and Recreation Department, City of Austin  
Responding Party/City Representative

# WALLER CREEK PHASE PLAN PROPOSAL CHECKLIST

**Project: Waller Creek District –  
CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING & BIDDING PHASE PLAN**

PAGE #	JDA SECTION*	TOPIC	DESCRIPTION	EXHIBITS
na	3.03 B.	Responding Party Review	Complete before submission to LGC	
na		Cover Letter		
na		Front Cover	Add before submission to LGC	
na		Table of Contents		
na		Check List		
1	3.04 A.1	General	Exec Summary - general outline of the project	
4, 10			Schedule with milestones & projected completion	Exhibit B
13			Implementation plan	Exhibit D
4, 11	3.04 A.2 (i)	Identify Team	List all professionals and their discipline	Exhibit C
5	3.04 A.2 (ii)	Construction Delivery Method	Proposed Construction Delivery Method	Construction Manager at Risk
N/A	3.04 A.2 (iii)	Designate the Reviewer of Construction Schedule	Project Director or Managing Party	No construction is included in this scope of work
N/A	3.04 A.2 (iv)	Design Material	Prelim site plans, architectural plans, elevations, other design materials	Graphic materials will be generated as part of this scope of work
9	3.04 A.3	Project Map	Map of District showing Limits of Phase Plan Area	Exhibit A
5, 22	3.04 A.4	Project Budget	All Phase Plan costs including allowances and contingencies	Exhibit E
		Including:	List of funding sources	
6			List where funds are to be held	
6			List constraints on use of funds	
N/A			Post construction budget - capital repairs, operating and maintenance budgets	No construction is included in this scope of work
6	3.04 A.5	Cost Overrun Plan	Identify how any cost overruns will be funded	
6	3.04 A.6	Compliance with Foundational Articles	If the proposed project does not comply with the terms of the JDA, the proposed modification to the JDA is provided here	
6	3.04 A.7	Third Party Agreements	Outline any third-party agreements that will need to be obtained	
6, 24	3.04 A.8	Procurement Process Requirements	If funded in part by the City, comply with City Code and other applicable law	Exhibit G
			Local Government Code Sections 252 and 271	
			Texas Transportation Code Chapter 432	
6	3.04 A.9	MWBE Participation	If funded in part by the City, outline plan	
6	3.04 A.10	Public Improvement Projects/Approvals and Permits	Identify responsibilities for obtaining approvals from Government Authorities for design and construction	
7	3.04 A.11	Operations & Maintenance	Plan for obtaining approvals/permits and for paying for operations and maintenance	An O&M Manual is a product of this scope of work

## WALLER CREEK PHASE PLAN PROPOSAL CHECKLIST

PAGE #	JDA SECTION*	TOPIC	DESCRIPTION	EXHIBITS
7	3.04 A.12	ID and Mapping Easements	Identify and map all easements and other real property interests	
6	3.04 A.13	Requirements on Use of Funds	Identify any requirements that apply to the use of tax-exempt obligations, grants or other funds	
7, 27	3.04 A.14	Insurance and Bonding	Provision of insurance and bonding in Article 9	Exhibit H
7	3.04 A.15	Use by City	Identify terms for use by the City	
7	3.04 A.16	Activities and Rates	Identify activities by groups	
7	3.04 A.17	Maintenance in ROW's	Identify of maintenance of District ROW's	
7	3.04 A.18	Utilities	Identify how utilities will be provided, cost of services, metering etc	
7	3.04 A.19	Operations and Maintenance	Identify operations and maintenance standards	An O&M Manual is a product of this scope of work
7	3.04 A.20	Revenue Source and Fees	Create a pro forma re fees, licensing to cover Operation Expenses	
7	3.04 A.21	Commercial Design Standards	Identify if Comm Design Stds apply or waived	
8	3.04 A.22	License Agreements	Identify if License Agreements apply	
8	3.04 A.23	Naming Rights	Identify any license agreements necessary for naming rights	
8	3.04 A.24	Change in Ownership	Identify if there is a proposed change in ownership of a Public District Site	
8, 23	3.04 A.25	Capital Needs Timing	Identify the capital needs timing for City Planning purposes	Exhibit F
8	3.04 A.26	Payment to PARD or other City Departments	Identify how payments will be made to PARD or other City Depts for their operations	
8	3.04 A.27	Public Accessibility	Identify public accessibility and provisions thereof	
8	3.04 A.28	Timing of transfers	Identify timing of transfers of improvements and land	
8	3.04 A.29	Maintain natural space	Identify the ways projects will be designed to maintain natural space	
8	3.04 A.30	Maintain flexibility of City owned properties	Identify how the flexibility of City Owned properties will be maintained	
8	3.04 A.31	Issues related to alcohol use	Identify any desired exemptions of City Code or park rules	
na	3.04 A.32	Other Relevant Info		

\*THIS CHECKLIST IS BASED ON THE **APRIL 16, 2014** WALLER CREEK DISTRICT JOINT DESIGN, DEVELOPMENT, MANAGEMENT AND OPERATION AGREEMENT (JDA)

Waller Creek District  
CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING & BIDDING  
PHASE PLAN

TABLE OF CONTENTS

Phase Plan Element	Page Number
COVER LETTER	Attached at beginning of Phase Plan document
CHECK LIST	
EXECUTIVE SUMMARY AND SCOPE NARRATIVE	PAGE 1
EXHIBITS	
EXHIBIT A: PROJECT AREA DIAGRAM	PAGE 9
EXHIBIT B: PROJECT SCHEDULE	PAGE 10
EXHIBIT C: ORGANIZATION CHART	PAGE 11
EXHIBIT D: SCOPE MATRIX	PAGE 12
EXHIBIT E: IMPLEMENTATION PLAN	PAGE 13
EXHIBIT F: PROJECT BUDGET	PAGE 22
EXHIBIT G: CAPITAL NEEDS PROJECTION	PAGE 23
EXHIBIT H: JDA PROCUREMENT REQUIREMENTS	PAGE 24
EXHIBIT I: INSURANCE CERTIFICATES	PAGE 27
SUPPORTING SUPPLEMENTAL DOCUMENTATION	Separate document

## Waller Creek District

# CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING & BIDDING PHASE PLAN

### Project Identification:

**Title:** Creek Delta Construction Documents, Permitting & Bidding Phase Plan (or “Phase Plan”)

**Location:** Along Waller Creek from Lady Bird Lake to 4<sup>th</sup> Street  
(see Exhibit A, Project Area Diagram)

**Date:** 26 June 2019

Unless otherwise specified herein, section reference shall refer to that certain Joint Design Development, Management and Operation Agreement by and among the City of Austin (“City”), Waller Creek Conservancy (“WCC”) and Waller Creek Local Governmental Corporation (“LGC”), dated April 16, 2014 (the “JDA”).

In previous proposals (Schematic Design and Design Development), this part of the project has been referred to as “Creek Mouth”. Moving forward the project outlined in this Phase Plan will be referred to collectively as “Creek Delta”.

### EXECUTIVE SUMMARY (3.04 A.1)

The Waller Creek Chain of Parks includes a one-and-a-half mile urban, riparian ecosystem that meanders southward from Waterloo Park at 15th Street along the eastern edge of downtown Austin ending at Lady Bird Lake. Once complete, the Waller Creek project will total 35 acres of connected urban green space and will feature four distinct beautifully designed park spaces, pedestrian and bicycle paths, a revitalized creek, and other urban amenities – a place where the environment, culture, health, adventure, and diversity converge. The revitalized Waller Creek will renew the natural environment, foster the creative arts, and nourish authentic and uplifting experiences that reflect Austin’s diversity and dynamic spirit.

The Creek Delta section of the project is an approximately 10-acre green space and creek reconstruction along Waller Creek in Austin from Lady Bird Lake to 4<sup>th</sup> Street. This part of the project includes 1 mile of pathways, trails and bridges creating a cohesive and accessible circulation network enabling a new downtown district. There will be top of bank pathways and creek level elevated walkways allowing a unique way of traversing through the City. Eleven new trail connections to adjacent rights-of-way will be created though this design strategically placed to connect to important downtown amenities such as The Butler Trail, the Rainey Street District, the Austin Convention Center, Palm Park and Palm School, the Lance Armstrong Bikeway, the Sabine Promenade, and the CapMetro Downtown Station (to list just a few). In addition, the Creek Delta design work reconstructs a robust creek ecology to create an immersive public nature experience. Currently the banks of the creek are in disrepair and are a chronic erosion problem in the middle of the City. This work utilizes cutting edge reconstruction and restoration techniques to design the aquatic and riparian habitat along the creek.

The **Creek Delta Construction Documents, Permitting & Bidding Phase Plan** undertakes the design and preparation for construction of improvements from Lady Bird Lake to 4<sup>th</sup> Street (see **Exhibit A, Project Area Diagram**).

The Phase Plan Project Area include the east and west banks along Waller Creek from Lady Bird Lake to 4<sup>th</sup> Street. The southern boundary includes The Butler Trail at Lady Bird Lake and continues north along Waller Creek to Cesar Chavez Street. This section includes three bridges, top of bank trail installation and repair, creek level elevated walkway, and park space. The project area boundary advances under the Cesar Chavez Street Bridge past Iron Works on the east and the Austin Convention Center on the west bank. Here the elevated walkway continues through this narrow area toward Red River Street with a spur path connecting up to the Austin Convention Center. The creek level elevated walkway advances under Red River Street Bridge to the eastern bank of Waller Creek at Palm Park. Here the walkway passes the Seep (or Spring), a feature treating stormwater from Palm Park. The walkway continues up into Palm Park and connects to 2<sup>nd</sup> Street (at the Fairmont) and 3<sup>rd</sup> Street. Moving north from Palm Park, a creek trail continues along the eastern bank of Waller Creek under the 3<sup>rd</sup> Street Bridge into the Cypress Grove area of the project between 3<sup>rd</sup> and 4<sup>th</sup> Streets. The eastern trail sweeps over Waller Creek at a bridge and meets the 4<sup>th</sup> Street trailhead across from the Sabine Street ROW. A top of bank trail on the west bank of Waller Creek extends from 3<sup>rd</sup> to 4<sup>th</sup> Street. From Lady Bird Lake to 4<sup>th</sup> Street creek channel work and bank reconstruction and restoration will occur at varying degrees along both the east and west banks of Waller Creek. In addition, there are a few bank areas where the vegetation will be preserved as part of the project. The Project Area includes the western edge of Palm Park. The remaining area of Palm Park will be designed under another Phase Plan proposal. For permitting purposes, the project will be divided into two different phases outlined in the **Project Area Diagram, Exhibit A**. Phase 1 is from Lady Bird Lake to the south face of the Cesar Chavez Bridge; Phase 2 is from the south face of the Cesar Chavez bridge to 4th Street.

The goal of the Creek Delta Construction Documents, Permitting & Bidding Phase Plan is to advance this work in preparation for construction. As part of the work outlined in this Phase Plan, the team will be registering and pursuing SITES certification for Creek Delta. SITES is a comprehensive rating system for sustainable and resilient landscape projects internationally. This Phase Plan only includes professional services as it relates to design, the construction work will be brought forth in a separate Phase Plan proposal.

This Phase Plan builds upon the design work completed in the *Creek Mouth Schematic Design* and *Creek Mouth Design Development Phase Plans* and references work completed in the *Palm Park Schematic Design Phase Plan*. In addition, the work outlined in this Phase Plan aligns and will be performed concurrently with the the *Creek Delta / Palm Park Utility Reroute Phase Plan* approved by the LGC in April 2019. This project continues the work performed in the *Creek Corridor Framework Phase Plan (CCF)*. The Creek Delta Construction Documents, Permitting & Bidding Phase Plan will augment, incorporate, and advance the work done in previous phase plans, but not be duplicative of this work.

This Phase Plan includes the following tasks that will be led by Michael Van Valkenburgh Associates (MVVA) as the team lead and landscape architect. Also, this Phase Plan utilizes the pre-construction expertise of SpawGlass selected as the Construction Manager at Risk (CMAR), Vermeulens Cost Consultants as cost experts, and Bruce Mae Design for signage and wayfinding scope of the Creek Delta project.



This Phase Plan encompasses the following four (4) main tasks:

- Construction Documentation – Design, Drawings, Specifications
- Cost Estimate and Value Engineering
- Permitting, SITES, O&M and Signage
- Bidding and Negotiation

This project will require extensive coordination with the City of Austin Parks and Recreation Department (PAR), and the Watershed Protection Department (WPD). Other COA agencies that will require coordination include, but are not limited to: the Office of Real Estate Services (ORES), the Public Works Department (PWD), the Development Services Department (DSD), and Austin Transportation Department (ATD). The project also will rely on coordination with Austin Energy, other utility companies, and adjacent property owners.

All services performed under this Phase Plan shall be in accordance with the existing contractual agreements held by the WCC, applicable codes (local, County, State and Federal), including the City Code, and accepted industry standards.

All Consultant documents shall be prepared using the English System of Weights and Measurements. It is assumed that CAD and PDF drawings are acceptable formats for submissions. Other file formats (e.g. MicroStation; AutoCAD Civil 3D) will be considered as needed on a case-by-case basis.

#### **MAIN POINTS OF CONTACT**

##### **Proposing & Managing Party:**

Waller Creek Conservancy

CEO: Peter Mullan, [pmullan@wallercreek.org](mailto:pmullan@wallercreek.org) (512-541-3520)

Director of Planning & Design: John Rigdon, [jrigdon@wallercreek.org](mailto:jrigdon@wallercreek.org) (512-541-3520)

Capital Projects Manager: Michelle Bright, [mbright@wallercreek.org](mailto:mbright@wallercreek.org) (512-541-3520x104)

##### **Responding Party:**

City of Austin, Watershed Protection Department

Kristin K. Pipkin, [kristink.pipkin@austintexas.gov](mailto:kristink.pipkin@austintexas.gov) (512-974-3315)

City of Austin, Parks and Recreation Department

Lisa Storer, [lisa.storer@austintexas.gov](mailto:lisa.storer@austintexas.gov) (512-974-9479)

##### **Landscape Architecture Team Lead:**

Michael Van Valkenburgh Associates (MVVA)

MVVA President and CEO: Michael Van Valkenburgh, [Michael@mvvainc.com](mailto:Michael@mvvainc.com) (718-243-2044)

MVVA Principal: Gullivar Shepard, [gshepard@mccainc.com](mailto:gshepard@mccainc.com) (718-243-2044)

MVVA Project Manager and Point of Contact: Tim Gazzo, [tgazzo@mvvainc.com](mailto:tgazzo@mvvainc.com) (718-243-2044)

### SCHEDULE (3.04 A.1)

The Notice to Proceed (N.T.P.) for the Creek Delta Construction Documents, Permitting & Bidding Phase Plan is anticipated to occur on June 26, 2019 following approval of the Phase Plan by the Waller Creek Local Government Corporation. The services associated with the Phase Plan shall be provided from June 2019 – May 2020. The design team fees have been calculated based on the schedule, which is shown in greater detail in **Exhibit B, Project Schedule**.

### PERFORMANCE PERIOD

The anticipated performance period is the next twelve (12) months. A more detailed Project schedule is shown in **Exhibit B, Project Schedule**.

### GENERAL SCOPE OF SERVICE REQUIREMENTS

An organizational diagram of work flow is in **Exhibit C, Organizational Chart** that describes the relationship between the design team, WCC, and the City. In addition, more detailed explanations of the scope of services and deliverables is in **Exhibit D, Scope Matrix** and **Exhibit E, Implementation Plan** for the construction documentation, permitting and bidding work.

### DESIGN TEAM & CONTRACTOR LIST (3.04 A.2 (i))

The following team lead by MVVA will be responsible for delivering the Construction Documents, Permitting and Bidding for Creek Delta.

- Landscape Architect and Design Team Lead: Michael Van Valkenburgh Associates, Inc. (MVVA)
  - Permitting and Environmental Consulting: ACI Consulting (ACI)
  - Structural Engineer: Architectural Engineers Collaborative (AEC)
  - Accessibility Consultant: Altura
  - Civil Engineer: Big Red Dog Engineering (BRD/WGI) division of Wantman Group, Inc.
  - Local Landscape Architect: dwg (DWG)
  - Mechanical, Electrical and Plumbing Engineer: EEA Consulting Engineers (EEA)
  - Public Space Management Consultant: ETM
  - Irrigation Design: James Pole
  - Local Ecologist: Lady Bird Johnson Wildflower Center (LBJWC)
  - Hydrologist: LimnoTech
  - Soil Scientist: Olsson
  - Geotechnical Engineer: Terracon
  - Lighting Design: Tillett
- Signage: Bruce Mau Design (BMD)
- Construction Manager at Risk, Preconstruction Services: SpawGlass
- Cost Consulting: Vermeulens Cost Consultants (VCC)

### CONTRACTING METHOD (3.04 A.2 (ii))

MVVA and their subconsultants are working under the Master Services Agreement that was put in place in May 2015. All of the MVVA design team consultants and subconsultants identified by name in this project were under agreement prior to the execution of the JDA or have been selected utilizing methods that meet the City of Austin Ordinances for procurement of services. Any subsequent consultants will be selected utilizing the same.

This Phase Plan utilizes the pre-construction expertise of SpawGlass selected as the Construction Manager at Risk (CMAR) for the Creek Delta project. The CMAR delivery method is utilized for the Creek Delta project to keep the project in line with the budget. At key milestones during Construction Documents, SpawGlass will provide cost estimates on the project and will help with bidding the work at 100% CDs.

### PROJECT BUDGET (3.04 A.4)

**Exhibit F, Project Budget** provides a detailed breakdown of the fees, a summary of the fees are as follows:

#### **1. Construction Documents, Permitting & Bidding:**

Professional Service Fees (MVVA Team):	\$2,915,950
Reimbursable Expenses (MVVA Team):	\$116,850
Signage Consulting Fees (BMD):	\$84,700
Signage Consulting Reimbursables (BMD):	\$11,700
Preconstruction Services Fees (SpawGlass):	\$20,000
Cost Consulting Fees (VCC):	\$38,600
Cost Consulting Reimbursables (VCC):	\$900
<b>Total Professional Services Fees</b>	<b>\$3,059,250</b>
<b>Total Reimbursable Expenses</b>	<b>\$129,450</b>

#### **2. Allowances + Cost Overrun:**

Permit Fee Allowance:	\$180,000
Utility Provider Design Allowance:	\$20,000
Survey Allowance:	\$30,000
Tree Care Allowance:	\$25,000
Geotechnical Boring Allowance:	\$21,000
Soils Testing Allowance:	\$4,000
Emerging Development Allowance:	\$60,000
Stormwater Infrastructure Allowance:	\$50,000
<b>Total Allowances</b>	<b>\$390,000</b>
<b>Cost Overrun Reserve (5%)</b>	<b>\$159,435</b>

**Grand Total for this Phase Plan Proposal:** **\$3,738,135**

The City of Austin (City) will contribute an amount not to exceed \$3,177,414.75 and the Waller Creek Conservancy (WCC) will contribute an amount not to exceed \$560,720.25 toward the Creek Delta Construction Documents, Permitting & Bidding Phase Plan. Within the City contribution, Watershed Protection Department (WPD) will contribute \$2,616,694.50 and the Parks and Recreation Department (PARD) will contribute \$560,720.25.

In accordance with Section 10.01 (Project Disbursement Fund Account) of the JDA, upon approval of regularly submitted invoices by the WCC, the City will disburse payment accordingly to the appropriate Project Disbursement Fund Account. As required by Section 3.04 A.25 of the JDA, **Exhibit G, Capital Needs Projection** addresses the prime scope of work and the projected funding needs, excluding Allowances, Change Order Contingency, and Cost Overrun Reserve.

#### **FUNDING SOURCES & REQUIREMENTS/CONSTRAINTS ON FUNDS (3.04 A.4 & 3.04 A.13)**

Project invoices will be paid for by the City and the WCC. Fifteen percent (15%) of the total project invoices will be paid with WCC funds (not to exceed \$560,720.25), fifteen percent (15%) will be paid with PARD funds (not to exceed \$560,720.25), and seventy percent (70%) will be paid with WPD funds (not to exceed \$2,616,694.50). Invoices will be paid in alignment with the overall Phase Plan split.

#### **COST OVERRUN PLAN (3.04 A.5)**

In accordance with the JDA, the identification of the source of funds for the Cost Overrun Reserve are required. The Proposing Party must seek approval from the Responding Party to utilize Cost Overrun funding. The request to use Cost Overrun funds does not require LGC approval unless additional funding is needed. For the Creek Delta Construction Documents, Permitting & Bidding Phase Plan, there is a Cost Overrun Reserve of \$159,435. WCC will contribute \$23,915.25, PARD will contribute \$23,915.25, and WPD will contribute \$111,604.50 to the Phase Plan Cost Overrun Reserve.

#### **COMPLIANCE WITH FOUNDATIONAL ARTICLES (3.04 A.6)**

All work proposed in this Phase Plan comply with the approved Design Plan and the Foundational Articles of the JDA.

#### **THIRD PARTY AGREEMENTS (3.04 A.7)**

There are no third-party agreements associated with this Phase Plan.

#### **PROCUREMENT PROCESS REQUIREMENTS & MWBE PARTICIPATION (3.04 A.8 & 3.04 A.9)**

Pursuant to the JDA, any Project funded in part by the city must meet City ordinance and state law requirements for procurement, Local Government Code Sections 252, 271 and Texas Transportation Code Chapter 432.

General MWBE Participation requirement information outlined in the JDA can be found in **Exhibit H, JDA Procurement Requirements**.

#### **APPROVALS & PERMITS (3.04 A.10)**

The design team has the responsibility of obtaining approvals and permits from governmental authorities for design and construction if the project is a Public Improvement Project. Permit work is anticipated and addressed as part of

the Creek Delta Construction Documents, Permitting & Bidding Phase Plan.

#### **OPERATIONS & MAINTENANCE RESPONSIBILITIES & STANDARDS (3.04 A.11 & 3.04 A.19)**

Creek Delta Construction Documents, Permitting & Bidding Phase Plan includes work on an operations and maintenance manual for this part of the project. The operation and maintenance manual build upon the O&M manual prepared by the design team for Waterloo Park. The standards outlined in the manual will be used after the project is constructed and thus meets the requirements of the JDA.

#### **ADJACENT PROPERTY ACQUISITION (3.04 A.12)**

All acquisitions either by fee simple or easement will follow the Office of Real Estate's Standard Operating Procedures for approval, land plans, land title surveys, Environmental Site Assessment Plans I and II, and title policies. In accordance with the 3.04 A.28 of the JDA, any acquisitions either by fee simple or by easement will follow the Office of Real Estate's Standard Operating Procedures for approvals, land plans, land title surveys, Environmental Site Assessment Plans I and II, and title policies.

#### **INSURANCE & BONDING (3.04 A.14)**

Insurance information can be found in **Exhibit I, Insurance Certificates**.

#### **ACTIVITIES & RATES (3.04 A.15 & 3.04 A.16)**

No programming activities and rates are intended as part of the Creek Delta Construction Documents, Permitting & Bidding Phase Plan.

#### **MAINTENANCE OF DISTRICT ROW (3.04 A.17)**

Maintenance of the ROW is the role of the City of Austin, as noted in the JDA Article 4, Section 4.03 and 6.03, unless otherwise agreed upon through a license agreement between the parties. License agreements will be secured as required by the permitting process for the Creek Delta Construction Documents, Permitting & Bidding Phase Plan.

#### **UTILITIES (3.04 A.18)**

No utilities will be distributed to any vendor or park lessee as part of this Phase Plan.

#### **REVENUE SOURCES & FEES (3.04 A.20)**

No revenue or fees are intended as part of the Creek Delta Construction Documents, Permitting & Bidding Phase Plan.

#### **COMMERCIAL DESIGN STANDARDS (3.04 A.21)**

Unless otherwise indicated, commercial design standards outlined in the Waller District Design Guidelines will be followed under this Phase Plan.

#### **LICENSE AGREEMENTS (3.04 A.22)**

License agreements will be secured as required by the permitting process for the Creek Delta Construction Documents, Permitting & Bidding Phase Plan.

#### **NAMING RIGHTS (3.04 A.23)**

The Waller Creek Conservancy has identified recognition opportunities in the Creek Delta project limits. These opportunities include various architectural features, like the bridges, and park space of distinction. All naming rights will be established in accordance with the JDA and Foundational Articles.

#### **CHANGE OF OWNERSHIP (3.04 A.24)**

There are no changes of ownership anticipated with this Phase Plan.

#### **CAPITAL NEEDS TIMING (3.04 A.25)**

**See Exhibit G, Capital Needs Projection** addressing the anticipated project of the prime scope of work, which excludes Allowances, and Cost Overrun Reserve.

#### **PAYMENTS (3.04 A.26)**

Currently no payments from the City are anticipated for operations for this Phase Plan.

#### **PUBLIC ACCESSIBILITY (3.04 A.27)**

The design of Creek Delta will meet the requirement of the Texas Accessibility Standards (TAS) and City Code. This Phase Plan includes the scope of work by Altura Solutions, the accessibility consultant, to ensure the project follows applicable accessibility rules and standards.

#### **TIMING OF TRANSFERS (3.04 A.28)**

There are no anticipated transfers of improvements or land to the City with this Phase Plan.

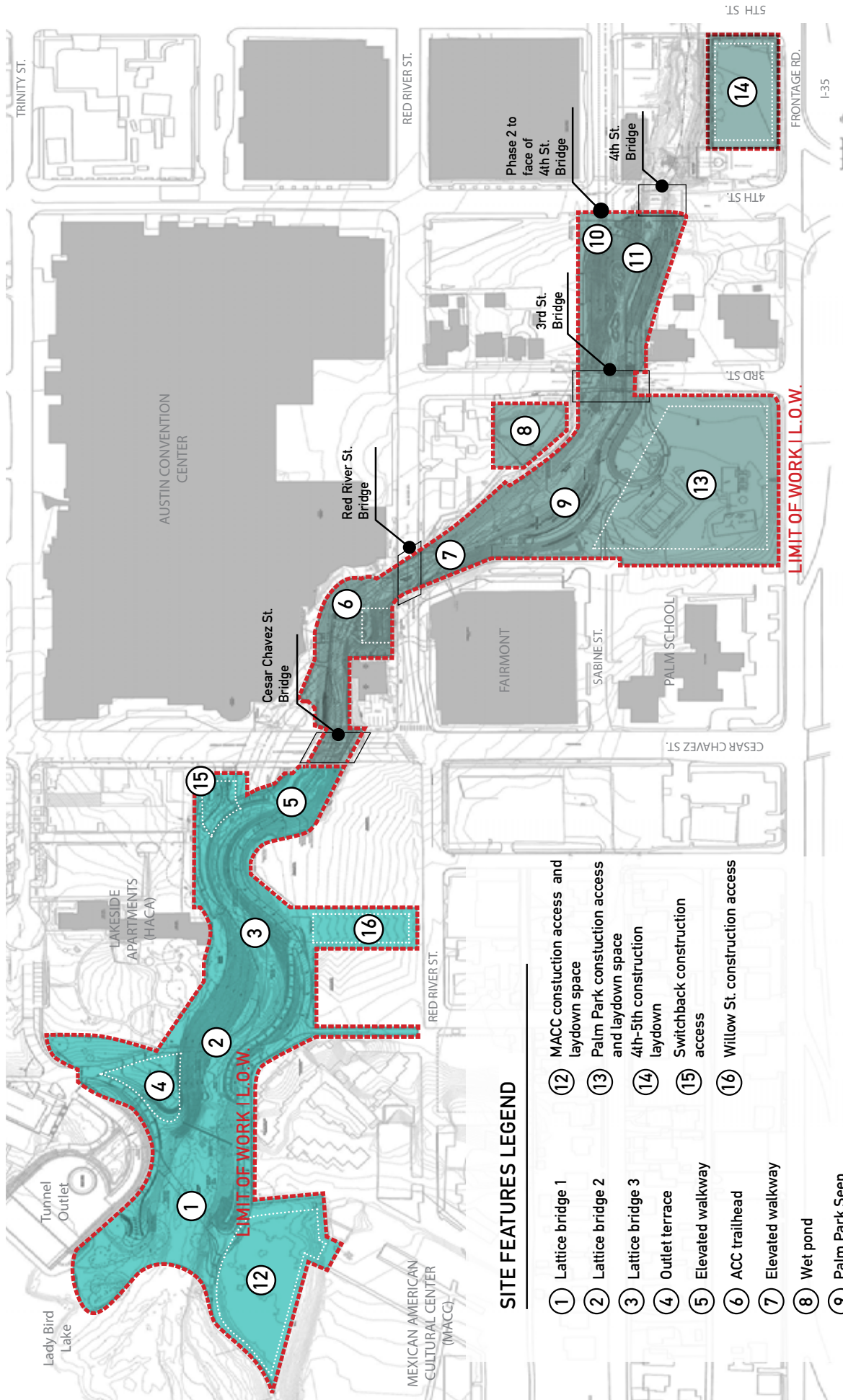
#### **GREEN SPACE & FLEXIBILITY (3.04 A.29 & 3.04 A.30)**

A core element of the approved Project Plan calls for conserving and maintaining natural space. This will be a guiding principal for all work on the Chain of Parks including Creek Delta. A goal of the design team has been to maintain flexibility with respect to City owned land.

#### **ALCOHOL USE IN THE PARK (3.04 A.31)**

This item is not applicable to the work outlined in the Creek Delta Construction Documents, Permitting & Bidding Phase Plan.

# EXHIBIT A: PROJECT AREA DIAGRAM



## SITE FEATURES LEGEND

- ① Lattice bridge 1
- ② Lattice bridge 2
- ③ Lattice bridge 3
- ④ Outlet terrace
- ⑤ Elevated walkway
- ⑥ ACC trailhead
- ⑦ Elevated walkway
- ⑧ Wet pond
- ⑨ Palm Park Seep
- ⑩ 4th st. trailhead
- ⑪ Cypress grove bridge
- ⑫ MACC construction access and laydown space
- ⑬ Palm Park construction access and laydown space
- ⑭ 4th-5th construction laydown
- ⑮ Switchback construction access
- ⑯ Willow St. construction access

- Phase 1 - Lady Bird Lake to Cesar Chavez St. Bridge
- Phase 1 - construction access and staging
- Phase 2 - Cesar Chavez St. Bridge to 4th St. Bridge
- Phase 2 - construction access and staging

EXHIBIT B: PROJECT SCHEDULE

- ① Notice to Proceed - to be issued upon LGC approval
  - ② 65% CD Submittal
  - ③ 90% CD Submittal
  - ④ 100% CD Submittal
  - ⑤ Permitting Process - Start
  - ⑥ Bidding & Negotiation
  - ⑦ Construction Start\* - not in scope
- \*Construction not in the scope of this Phase Plan, but may be addressed as a separate Phase Plan document. Exact schedule of construction to be determined at later date.

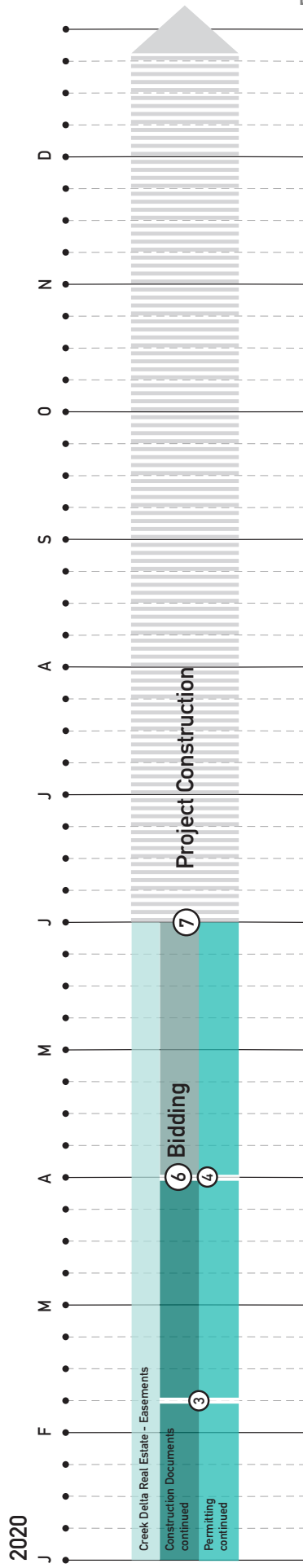
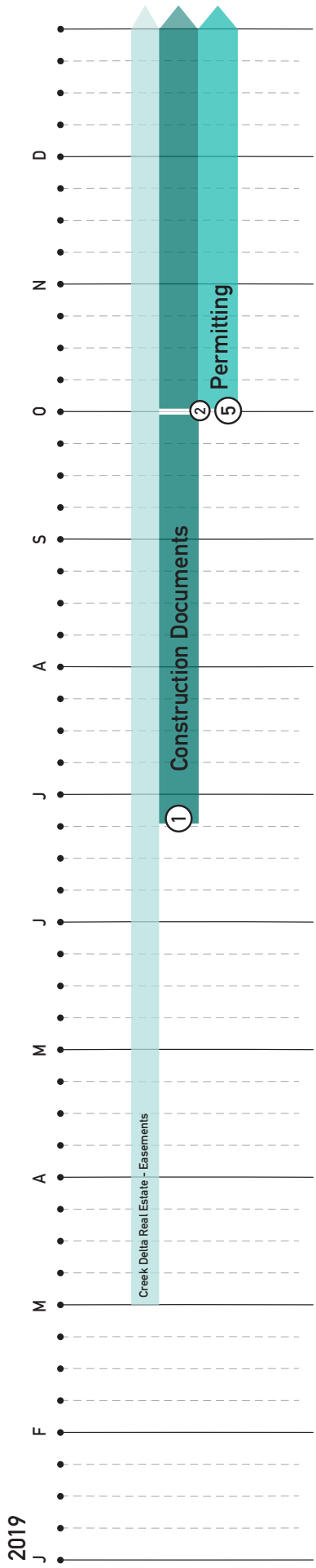
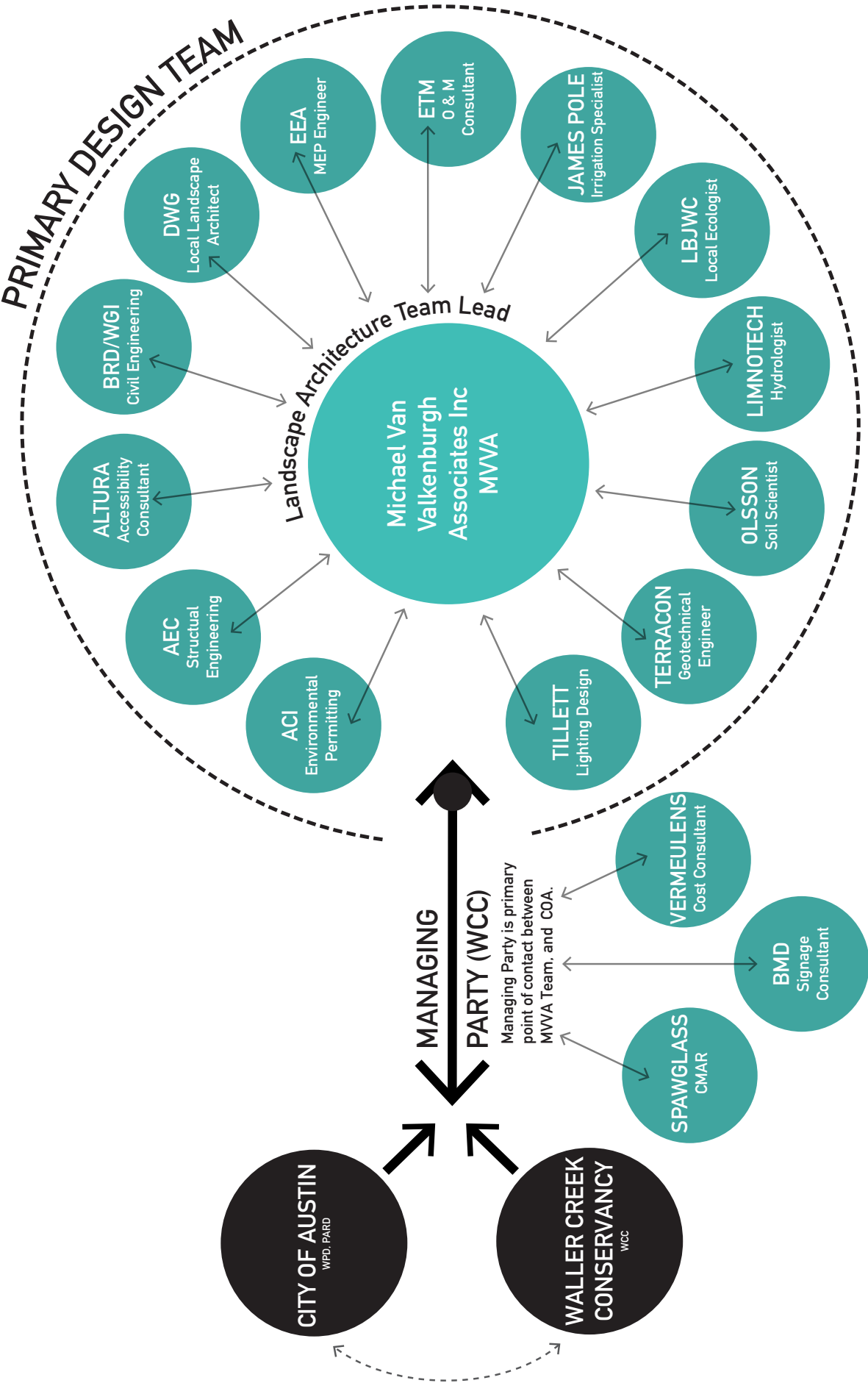




EXHIBIT C: ORGANIZATION CHART



X	Indicates Participation on Task
R	Indicates Review Only Participation on Task
.	Indicates No Participation on Task

**Title: Creek Delta Construction Documents, Permitting & Bidding Phase Plan (or “Phase Plan”)**

**Location: Along Waller Creek from Lady Bird Lake to 4th Street**

**(see Exhibit A, Project Area Diagram)**

The Creek Delta Construction Documents, Permitting & Bidding Phase Plan undertakes the work to produce construction documents, the accompanying permitting that goes along with the drawing set, and the bidding coordination work prior to construction (**see Exhibit A, Project Area Diagram**). The goal of the Creek Delta Construction Documents, Permitting & Bidding Phase Plan is to advance this work in preparation for construction. This Phase Plan only includes professional services as it relates to the design, the construction work will be brought forth in a separate Phase Plan proposal.

Michael Van Valkenburgh Associates (MVVA) will lead this effort and coordinate with the appropriate subject expert consultant. The team of subconsultants includes: ACI Consulting (ACI) providing environmental permitting support; Architectural Engineers Collaborative (AEC) providing structural engineering expertise; Altura contributing accessibility expertise; Big Red Dog (BRD/WGI) providing civil engineering expertise and submitting the needed permits for the project; Dwg. Landscape Architects (DWG) providing local landscape architecture, permitting and SITES work; EEA Consulting Engineers (EEA) providing electrical engineering work; ETA contributing the O&M expertise; James Pole contributing the irrigation design; the Lady Bird Johnson Wildflower Center (LBJWC) providing local ecology expertise; LimnoTech acting as the hydrologist; Olsson contributing the soil science expertise; Terracon as the geotechnical engineer; and Tillett providing the lighting design for the project. Working directly with WCC, SpawGlass will be providing preconstruction services including cost estimates at key milestones, Vermeulens Cost Consultants (VCC) will contribute the owner cost estimate work, and Bruce Mau Design (BMD) will do the signage design for the Creek Delta Project. See **Exhibit C** for an Organization Chart and **Exhibit D** for a Scope Matrix that outlines each sub consultants’ responsibilities for this Phase Plan.

Creek Delta Construction Documents will last for 29 weeks, permitting will run concurrently, followed by 8 weeks Bidding & Negotiation period. This scope includes seven (7) trips for MVVA to Austin, Texas aligned with schedule milestones outlined below.

### **KEY MILESTONES**

- Project Kick-Off
- Presentation of pre-65% design updates to the Owner Team (COA/WCC)
- 65% Design Submission Preview
- 65% Cost Estimate and Value Engineering
- 90% Design Submission Preview and Owner Team review
- 100% Design Review Submission Preview
- Bidding Review with Client/Contractor

## **TASK 01: SCOPE OF SERVICES - CONSTRUCTION DOCUMENTATION**

### **GENERAL**

- Overall project management administration and QA/QC for design team activities
- Project administration and subconsultant coordination
- Reconcile proposed design with updated survey provided by McGray & McGray in June 2019

MVVA will provide lead project management and be the primary point of contact for the design team, in addition to coordinating among sub-consultants (via weekly, and as-needed team calls) and with COA/WCC. Subconsultants have only scoped internal project management needs. WCC will be the main point of contact for BMD, SpawGlass, and VCC and coordinate meetings as needed with MVVA team and Owner Team.

At the onset of this Phase Plan, MVVA will present a Work Plan which will include the identification of critical decision points anticipated for meeting the project milestones. Included in MVVA's efforts to meet the project milestones, and per MSA section 4.3.1.3, MVVA "shall notify WCC in writing of the date by which WCC's decisions are required in order not to cause a delay."

For all travel to Austin, MVVA will develop a first draft agenda with WCC that will then be distributed and coordinated with the rest of the client team and subs in the effort to both allow for comment review and block out dates on the necessary participants calendars. MVVA will provide bi-weekly status updates that will track project needs, upcoming milestones, owner/client information requests, etc. The final format will be developed at the onset of the CD Phase with owner team participation.

### **DESIGN CRITERIA / REFINEMENT**

The design criteria established during Design Development Phase and Design Development Value Engineering will be advanced and refined during the Construction Documentation Phase. These criteria include:

- Channel Form Design: MVVA will coordinate with LimnoTech to ensure design modifications preserve and restore both hydraulic and ecological function. The design team will reference their findings exhibited in the Atlas 14 / Functional Assessment Study. This includes channel form, channel armoring, wetland flood benches, and aquatic habitat features.
- COA/WCC comments from 100% Design Development
- Incorporating of the value engineering recommendations from Design Development
  - Slope and soil simplification
  - Stonework simplification
  - Stormwater dissipator removal
  - Overlook Terrace (switchback) simplification
  - Site lighting – manufacturer change
  - Outlet Terrace/lawn area modifications
  - Removal of all work on east bank just north of Cesar Chavez Street Bridge (slope below restaurant)

- Sapling Terrace removal, slope simplification, and path removal
  - Seep simplification (w/path to Fairmont)
  - Elevated walkway surface material change
- Integration of adjacent and overlapping systems (for example, soil transitions from planted water quality features to MSE walls)
- Coordination with concurrent effort RE: Palm Park | Creek Delta Utility Reroute Phase Plan
- Design updates following value engineering process from Design Development
  - Palm Park to 4<sup>th</sup> Street (increase amount of elevated walkway, Seep, Cypress Grove)
  - Overlook Terrace (switchback)
  - Outlet Terrace / Lawn Area
  - East bank just north of Cesar Chavez Street Bridge (slope below restaurant)
- Floodplain Mapping and Atlas 14
  - The design team will reference their findings from the Atlas 14 / Functional Assessment Study completed prior to the start of Construction Documents as a basis for design during this phase. As part of this phase LimnoTech will prepare a floodplain memorandum documenting the potential flood impacts at Creek Delta. A final *No Adverse Impact Statement* will be prepared by LimnoTech based on the 100% design drawings.
- Creek Delta's L.O.W. directly abuts multiple private and public properties. The coordination and integration of these sites with the Creek Delta project is ongoing and this scope will be carried under an allowance as part of the Phase Plan.
- Confirmation of loading criteria for pedestrian bridges and structures
- City of Austin Stormwater Infrastructure:
  - Austin Convention Center Wet Pond: The design, engineering, and documentation to be handled by BRD and DWG, MVVA to provide administrative processing for invoices only. Wet Pond design criteria issued by COA, WPD on May 30, 2019.
  - Atlas 14 Stormwater Outfall Upgrades (Scope is TBD, to be further coordinated with WPD – Local Flood Risk Reduction team)
  - Stormwater In-Line Treatment Upgrades (An allowance will be held by the client group, see below for more details)

In the *Waller Creek Framework Plan*, the design team investigated installing inline options for water quality treatment of the drainage flowing from the City of Austin storm sewer system into Waller Creek. These systems would be proposed at manhole or junction box locations upstream of the creek outfalls and would filter out trash and sediment to collect it prior to these items entering Waller Creek. An allowance has been held in this Phase Plan to design these systems at five (5) locations within the project area. In order to not impact the project schedule, the work associated with identifying the locations and types of in-line stormwater treatment will require a minimum of two (2) months in order to incorporate into the 65% CD drawing set. The design team assumes this deliverable will be estimated by the CMAR and Vermeulens as part of the 65% submission, followed by client direction on the scope to prepare for 100% Bid Documents.

CONSTRUCTION DOCUMENTATION – DRAWINGS & DELIVERABLES

Drawings will be submitted in .pdf and AutoCAD formats unless otherwise noted. Conversion to other file formats is not included in this scope. 65% and 90% Construction Document packages will be submitted to COA/WCC for review and to the Construction Manager at Risk (CMAR) SpawGlass and Vermeulens Cost Consulting for pricing and reconciliation. The following consultants will produce drawings for the Construction Document phase:

- MVVA (landscape architect and design team lead)
  - Site preparation
  - Layout plans
  - Materials plans
  - Grading plans
  - Soil placement plans
  - Planting plans and schedules
  - Furnishing plans
  - Site details
  - Site sections and elevations
  - Plan enlargement as necessary
- AEC (structural engineer)
  - Existing Butler Trail bridge demolition
  - Existing concrete pad and path demolition
  - Lattice Bridge #1, #2 and #3
  - Elevated walkway in creek South of Cesar Chavez Bridge to Palm Park
  - Elevated walkway from creek to Convention Center Trailhead
  - 3<sup>rd</sup> St. elevated span
  - 3<sup>rd</sup> to 4<sup>th</sup> St. elevated walkways
  - Cypress Grove Bridge
  - Lighting / furnishing foundations
- DWG (local landscape architect)
  - Permit Site Plans
  - Austin Convention Center Wet Pond drawings
- BRD/WGI (civil engineer)
  - PLAT
  - Easement Sheet
  - Existing conditions plans
  - Erosion and Sedimentation Control plans
  - Demolition plans
  - Site Plans
  - Drainage plans and relevant calculations
  - Storm sewer plans and profiles

- Creek profiles and sections
  - Fire protection and emergency access plan
  - Utility plans
  - Construction details and stormwater seep infrastructure
- Olsson (soil scientist) *to be included with MVVA drawings*
  - Soil profile details
  - Note: Olsson is not required to sign and seal their drawings
- Terracon (geotechnical engineer)
  - Reinforced soil stabilization plans
  - Wall and slope cross sections and details
- EEA (MEP engineer)
  - Site lighting and power plans
  - Fixture and panel schedules
  - Utility reroutes
  - Electrical details
- Tillett (lighting designer) *to be included with MVVA drawings*
  - Lighting layout plan and details
  - Lighting fixture schedule
  - Note: Tillett is not required to sign and seal their drawings
- James Pole (irrigation designer)
  - Irrigation plans
  - Irrigation details
- LimnoTech (hydrologist) *to be included with MVVA drawings*
  - Armoring material layout plans and details
  - Note: LimnoTech will be co-sealing all drawings that support hydraulic design, armoring materials, channel plans, and profiles.

The consultants listed above will also participate in review of the drawing package prior to COA/WCC submission and will provide written comments of their respective design expertise for incorporation into the drawing set. All other consultants will provide sketches, calculations, internal memoranda, etc. for incorporation of their work into the drawings. ETM will submit a 75% draft, 90% draft, and 100% Operations & Maintenance Manual. Two ½ size hard copies of the drawing set will be printed for COA following the 65%, 90%, and 100% submissions.

#### CONSTRUCTION DOCUMENTATION – SPECIFICATIONS

MVVA will lead and oversee the production of project specifications. Where possible, the design team will utilize COA and TxDOT standard specifications. The consultants that will contribute directly to this effort (either through selection of appropriate standard specifications or project-specific modifications) will be:

- MVVA (landscape architect and design team lead)
- DWG (local landscape architect)
- AEC (structural engineer)

- BRD/WGI (civil engineer)
- Olsson (soil scientist)
- Terracon (geotechnical engineer)
- EEA (MEP engineer)
- Tillett (lighting designer)
- James Pole (irrigation designer)
- LBJWC (ecologist)

Consultants who will be involved in the review and comment on discipline-specific specification for potential issues of consistency and coordination with local codes, practices, permitting approvals will be:

- BRD/WGI (civil engineer)
- DWG (local landscape architect)
- Altura (registered accessibility specialist)
- LimnoTech (hydrologist)

A hard copy of the specifications will be printed for COA following the 65%, 90%, and 100% submissions.

In addition to drawings and specifications, the design team will be providing supplemental information in the form of technical memos, reports and manuals to be included in the Construction Documentation package. The consultants contributing to this effort are:

- Altura (registered accessibility specialist)
- ETM Associates (operations & maintenance)
  - Waller Creek Site Management Manual (version already started for Waterloo)
  - Note: In addition to the Creek Delta specific section, this includes an update to the main body submitted for Waterloo Park
- LimnoTech (hydrologist)
  - Basis of Design Memo
  - Floodplain memorandum
  - CLOMR (Conditional Letter of Map Revision)
- Tillett (lighting design)
  - Light fixture package
- Terracon (geotechnical engineer)
  - Geotechnical report (completed under previous phase plan)

Hard copies of all reports, memos, and manuals will be printed for COA following their respective submissions.

## **TASK 02: SCOPE OF SERVICES – COST ESTIMATION / VALUE ENGINEERING**

The Design Team shall be provided with a reconciled cost estimate and an approved budget prior to the start of the CD Phase. In order to track the cost impact of post Design Development modified scope, the design team will develop pricing exhibits as necessary for the Construction Manager at Risk, SpawGlass, to cost estimate prior to the 65% submission. Vermeulens also will review and comment on the exhibits.



The period for cost estimate review and value engineering will occur within seven (7) weeks of the submission of the 65% Construction Documents to the Owner Team and Construction Manager at Risk (SpawGlass). This period can be broken out into the following timeframes:

- Owner Team Review Period / SpawGlass Estimate / Vermeulens Estimate
- Design Team Review and Estimate Reconciliation
- Value Engineering / Approval to Proceed

This task includes review of two (2) cost estimates at the 65% submissions: one to be provided by Vermeulens, the cost consultant, and one to be provided by SpawGlass. The MVVA team will participate in one (1) round of value engineering, during which a maximum of one (1) pricing scenario for a specific design alternative (e.g. CIP concrete vs. stone block retaining walls) and related systems (e.g. foundations, adjacent slope stabilization work, railings) will be provided. Items identified for value engineering will be incorporated into subsequent deliverables.

### **TASK 03: SCOPE OF SERVICES – PERMITTING / SITES / O&M PLANNING / SIGNAGE**

#### **PERMITTING**

BRD/WGI will be leading the COA site development “D” permit effort with support from DWG. ACI will be leading the United States Army Corps of Engineers (USACE) permitting effort. AEC, Terracon, and MVVA will be providing the supporting drawings for the COA permit. Additional sub-consultants are scoped as needed to provide supporting information to all permitting efforts.

#### **City of Austin**

- COA Permit (Site Development “D” Permit) – The permit will have two phases. Phase 1 is from Lady Bird Lake to the south face of the Cesar Chavez Bridge; Phase 2 is from the south face of the Cesar Chavez bridge to 4<sup>th</sup> Street
  - Austin Utility Location & Coordination Committee (AULCC)
  - Downtown Austin Project Coordination Zone (DAPCZ)
  - Quality Management Division (QMD)
  - Functional Assessment for Floodplain Health
  - Environmental Resources Inventory (ERI)
  - All applicable jurisdictional requirements including but not limited to Utility Criteria Manual (UCM), Drainage Criteria Manual (DCM), Austin Fire Department (AFD), Environmental Criteria Manual (ECM)
  - Variances are anticipated for this project and may include but not limited to the Land Use Development Code and Environmental Criteria Manual. This list will develop further as permitting is underway
  - Public advocacy presentations included but not limited to COA Design Commission, COA Parks Board, COA Planning Commission Subcommittee, COA Planning Commission, and Downtown Austin Alliance
  - License Agreements – Memorandum of Understanding / Declaration of Use will be required for any non-standard construction in the ROW

- Building Permit
  - Building Permits for bridges, structures, and walls >4' tall
  - Statement of Special Inspections (SSI)

#### State of Texas

- Texas Parks and Wildlife Plan and Permit Application (TPWD)
- Stormwater Pollution Prevention (SWPP)
- Texas Department of Licensing and Regulation (TDLR)

#### Federal

- United States Army Corps of Engineers (USACE) – NW27 and NW25
- Federal Emergency Management Agency (FEMA) Endangered Species Act Compliance Letter
- Texas Historical Commission (THC) Coordination
- Sect. 106 Compliance – Cultural Resources
  - Texas Antiquities Code (TAC)
- Conditional Letter of Map Revision (CLOMR)

#### SITES CERTIFICATION

Creek Delta will be undergoing SITES certification. DWG Landscape Architects will be the project administrator and primary point of contact helping to document and compile the credit requirements. The City of Austin Parks and Recreation Department (PARC) will be providing technical support and guidance. The SITES certification process will have a total of two submissions to GBCI. The first, scoped within the Phase Plan, will occur at the 90% CD deliverable – the other at the end of construction (substantial completion) and is not included here but will be included in a future construction phase plan for Creek Delta. The minimum certification level will be Silver.

#### O & M Planning

ETM will take the lead on further development of the Waller Creek Site Management Manual. Their scope includes: coordination of maintenance responsibility of the development of the Creek Delta site in the Construction Documentation phase; incorporation of SITES credit requirements; refinement of maintenance strategy, roles and responsibilities, maintenance facility needs, and access points; and the finalization of the O&M costs.

#### SIGNAGE

Occurring concurrently with Creek Delta CDs Bruce Mau Design (BMD) will be developing the signage design for the project. This work will build upon the Waller Creek Signage Master Plan and the Waterloo Park Signage design. BMD has three (3) trips planned as part of the Creek Delta scope. Two trips will occur at milestone points during CDs and one trip will occur during bidding. MVVA will take an active role in the oversight of the development of signage strategies as well as provide guidance for how signage is incorporated into the context of the Creek Delta and integrated into the proposed site furnishings. This will include reviews of signage and wayfinding strategies as they relate to the Creek Delta site including BMD deliverable review / comment. There are no MVVA deliverables associated with this scope.

**TASK 04: SCOPE OF SERVICES – BIDDING AND NEGOTIATION**

Participation in the bidding and negotiation process for the landscape portion of the project, including the following:

- Preparation of addenda as required to clarify documents and to respond to contractor's inquiries about the drawings during bidding
- Assistance in the review of bids and selection of the site and landscape contractors
- One (1) trip to Austin to review the design with the contractor and Owner Team
- Pre-bid conferences will be attended by DWG (local landscape architect)

CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING & BIDDING PHASE PLAN		
	Fees	Reimb
<b>1. Construction Documents, Permitting &amp; Bidding:</b>		
Professional Service Fees (MVVA Team)	\$2,915,950	\$116,850
Signage Consulting Fees (BMD)	\$84,700	\$11,700
Preconstruction Services Fees (SpawGlass)	\$20,000	--
Cost Consulting Fees (VCC)	\$38,600	\$900
<b>2. Allowances + Cost Overrun</b>		
Permit Fee Allowance	\$180,000	--
Utility Provider Design Allowance	\$20,000	--
Survey Allowance	\$30,000	--
Tree Care Allowance	\$25,000	--
Geotechnical Boring Allowance	\$21,000	--
Soils Testing Allowance	\$4,000	--
Emerging Development Allowance	\$60,000	--
Stormwater Infrastructure Allowance	\$50,000	
Allowances Total:	\$390,000	--
Cost Overrun Reserve (5%)	\$159,435	--
<b>SUMMARY</b>		
<b>1. Construction Documents, Permitting &amp; Bidding</b>	\$3,188,700	--
<b>2. Allowances + Cost Overrun</b>	\$549,435	--
<b>TOTAL:</b>	\$3,738,135	--

CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING & BIDDING PHASE PLAN		
		<b>Total Fees*</b>
		\$3,188,700
Month	Activity	Fees
1	Construction Documents	\$321,708
2	Construction Documents	\$321,708
3	Construction Documents	\$321,708
4	Construction Documents & Permitting	\$332,392
5	Construction Documents & Permitting	\$261,636
6	Construction Documents & Permitting	\$261,636
7	Construction Documents & Permitting	\$270,208
8	Construction Documents & Permitting	\$261,636
9	Construction Documents & Permitting	\$270,208
10	Construction Documents & Permitting	\$192,067
11	Permitting & Bidding	\$191,182
12	Permitting & Bidding	\$182,611
<b>TOTAL</b>		<b>\$3,188,700</b>
*Excludes Allowances and Cost Overrun Reserve		
Projections will fluctuate in response to adjustments in work flow		

## EXHIBIT "G"

## M/WBE REQUIREMENTS

- (a) The Managing Party shall comply with the applicable standards and principles of the **M/WBE Program Ordinance** in the design and construction of Projects, provided, however, Contractors and their subcontractors under contracts executed and delivered by the Conservancy as of the date of this Agreement for the scope of work contemplated in the Design Plan approved by City Council shall not be required to comply with this Exhibit G. A change in the scope of work or Contractors or subcontractors, including adding Contractors or subcontractors shall require compliance with this Exhibit G. Prior to any changes or additions the Managing Party shall consult with and provide SMBR information regarding the proposed change in scope or change or deletions of Contractors or subcontractors to determine the necessary steps to achieve compliance with the M/WBE Program.

With respect to any design or construction projects for a Project, the Contractors shall meet the gender and ethnic-specific participation goals or subgoals for each year in which design or construction occurs as determined by the Director of SMBR in accordance with the M/WBE Program Ordinance and rules. Before advertising a bid for any portion of the design or construction work, the Managing Party shall submit to SMBR a copy of a proposed solicitation in order for the City to determine the gender and ethnic-specific participation goals or subgoals for the project. The determination by the Director shall be based on the proposed size, type and scope of work to be undertaken by the Managing Party and described in the bid documents, and the availability of each group of M/WBEs to perform elements of the work. The City may utilize either the cumulative M/WBE goal or the subgoals for each group of minority persons in the proposed solicitation, or set M/WBE participation goals for each Project as provided in City Code Section 2-9A-19 (*Establishment of MBE/WBE Participation Levels for Individual Contracts in Construction*), or as may subsequently be modified, amended or replaced. The Director shall have 10 Business Days from receipt of a bid package from the Managing Party in order to evaluate and determine the required level for utilization of M/WBE project or phase-specific goals or subgoals, and shall notify the Managing Party in writing of the Director's determination.

In an effort to meet the gender and ethnic-specific M/WBE utilization goals, the Managing Party shall implement an outreach program designed to solicit participation of M/WBEs. These outreach efforts should also target small businesses generally. The Managing Party may seek the assistance of SMBR in these outreach efforts as described in paragraph (b) below.

For any year in which the Managing Party, the Contractors fail to meet each of the goals or subgoals established by the Director, the Managing Party, the Contractors must demonstrate good faith efforts to meet the goals as described in the M/WBE Program Ordinance. The Managing Party shall submit documentation demonstrating its own and

the Contractors' good faith efforts to meet the goals as is required under the following paragraph (d). If the Managing Party provides documentation to SMBR evidencing its own and its Contractors' good faith efforts, the Managing Party shall be deemed in compliance with this paragraph (a). Failure to perform this obligation shall be considered a material breach of this Agreement. The City acknowledges that this obligation does not require the Managing Party to modify, nullify or abrogate any contracts that the Managing Party has entered into before the Effective Date of this Agreement.

- (b) The Managing Party shall apprise SMBR when the Managing Party desires assistance from SMBR in its efforts to meet the gender and ethnic specific M/WBE utilization goals. This assistance may include providing a list of certified M/WBE firms from which the Managing Party may solicit or cause the Contractors to solicit participation in the design and construction of any improvements, identifying potential scopes of work, establishing the bid packages, scheduling and hosting outreach meetings, and assisting the Managing Party, its Contractors in soliciting M/WBE firms to provide bids. The Managing Party is not required to solicit participation during a period in which the Managing Party is not engaged in designing and/or constructing a Project, but rather, the Managing Party is required to incorporate the standards and principles of the M/WBE Program Ordinance including the foregoing M/WBE utilization goals into its development process as and when such process exists in connection with a Project.
- (c) The Managing Party shall provide monthly reports to SMBR no later than the 10<sup>th</sup> day of each month to track (i) the utilization on a percentage basis of M/WBE firms in the design and construction of the Projects; and (ii) a summary of the Managing Party's efforts to implement the standards and principles of the M/WBE Program Ordinance. SMBR shall provide the forms to be used by the Managing Party in submitting such reports.
- (d) Within thirty (30) days of receipt of the Managing Party's final monthly report (as is required under paragraph (e) above for the preceding year, January 1<sup>st</sup> through December 31<sup>st</sup> (the "**SMBR Compliance Period**"), SMBR shall determine whether the Managing Party is in compliance with the requirements of this **Exhibit "G"**.

Waller Creek Project  
Approved Consultant List

Firm	Discipline	MWBE
2 x 4	signage consultant	
Access Partnership	accessibility specialist	
ACI Consulting	environmental consulting	
Altieri Sebor Wieber	mechanical, electrical, plumbing	
Altura Solutions	accessibility specialist	
American Construction Investigations	ADA consultant	
Applied Ecological Services	ecologist, bank stabilization	
Architectural Engineers Collaborative	structural engineer	
Arup USA Inc.	AV, Acoustical, lighting, IT, security	
Atelier 10	sustainability consultant	
Benz Resource Group	project management	WBE
Big Red Dog	civil engineering	
Brierly Assoc	geotech engineering	
CCM Consulting Group	construction auditing	
Chan & Partners	civil engr: subsurface utilities	
Charles Marsh Woodruff	geologic consulting	
Construction Specifications, Inc	specifications consultant	
Davey Resource Group	arborist	
Development Strategies	economic development	
Dr W. Todd Watson	plant pathologist	
dwg	landscape architect	
Eckersley Cladding Consultant	exterior cladding	
EEA Consulting	mechanical, electrical, plumbing	
ETM Associates	public space management	
Fluidity Design Consultants	water feature consulting	
GeoSolutions	geotech: slope stability	
Greenberg Consultants	urban design	
Guy Nordenson & Assoc	structural engineer	
Haynes Whaley Associates	structural engineer	
Henshell & Buccellato	waterproofing consultant	
Heritage Title Company	title and easement research	
HNTB	bridge design	
HNTB	traffic engineering	
Holt Engineering	geotech engineering	
Horton Lees Brogden Lighting	lighting	
HR&A	economic development	
Hydrodramatics	water feature consulting	
Israel Berger and Associates	waterproofing consultant	
James Pole Irrigation Consultants	irrigation	
JGL Food Services Consultants	food service consultant	
Joshua Long	geographer	
Lady Bird Johnson Wildflower Center	ecologist, native plantings and management strategies	
Limnotech	hydrologist	
McGray & McGray	site surveying	
Metcalf Williams Stuart & Wolff	land use, zoning	
Michael Van Valkenburgh Assoc	landscape architect	
Olsson Assoc	soil scientist & ecosystem	
Persohn/Hahn Associates	elevator consultant	
Piscatello Design Centre	signage consultant	
ProjectProjects	graphic design	
Reginald Hough, FAIA	architectural concrete consultant	
Rolf Jensen & Associates	code consultant	
Shah Smith and Associates	commissioning agent	
Simpson Gumpertz & Heger	waterproofing consultant	
Skidmore, Owings & Merrill	structural engineer	
Stuart Lynn	cost estimating	
Sustainable Growth Texas	soil biology	
Terracon	geotech engineering	
Theatre Consultants Collaborative	theatre consultants	
Thomas Phifer & Partners	architect	
Tillett Lighting Design	lighting	
Transsolar Inc	sustainability consultant	
Urban Design Group	civil waterworks	WBE
Vermeulens	cost estimating	



## EXHIBIT I: INSURANCE CERTIFICATES



MICHVAN-01

DGHIGLIAZZA

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/6/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Ames & Gough 859 Willard Street Suite 320 Quincy, MA 02169		<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): <b>(617) 328-6555</b>		FAX (A/C, No): <b>(617) 328-6888</b>	
		<b>E-MAIL ADDRESS:</b> <b>boston@amesgough.com</b>			
<b>INSURER(S) AFFORDING COVERAGE</b>				<b>NAIC #</b>	
<b>INSURER A:</b> Travelers Property Casualty Company of America				<b>25674</b>	
<b>INSURER B:</b> Travelers Indemnity Co. of America A++, XV				<b>25666</b>	
<b>INSURER C:</b> Travelers Indemnity Company of Connecticut A++ (Superior)				<b>25682</b>	
<b>INSURER D:</b> Travelers Casualty and Surety Company				<b>19038</b>	
<b>INSURER E:</b>					
<b>INSURER F:</b>					

**INSURED**  
  
 Michael Van Valkenburgh Associates, Inc.  
 231 Concord Street  
 Cambridge, MA 02138

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
<b>A</b>	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC OTHER:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>680009H708658</b>	<b>5/1/2019</b>	<b>5/1/2020</b>	EACH OCCURRENCE	\$ <b>1,000,000</b>
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ <b>1,000,000</b>
							MED EXP (Any one person)	\$ <b>10,000</b>
							PERSONAL & ADV INJURY	\$ <b>1,000,000</b>
							GENERAL AGGREGATE	\$ <b>2,000,000</b>
							PRODUCTS - COMP/OP AGG	\$ <b>2,000,000</b>
								\$
<b>B</b>	<input checked="" type="checkbox"/> <b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY OTHER:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>BA0L91322918</b>	<b>5/1/2019</b>	<b>5/1/2020</b>	COMBINED SINGLE LIMIT (Ea accident)	\$ <b>1,000,000</b>
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
<b>B</b>	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ <b>10,000</b>	<input checked="" type="checkbox"/>		<b>CUP005D158369</b>	<b>5/1/2019</b>	<b>5/1/2020</b>	EACH OCCURRENCE	\$ <b>10,000,000</b>
							AGGREGATE	\$ <b>10,000,000</b>
								\$
<b>C</b>	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<b>Y/N</b> <b>N</b>	<b>N/A</b>	<b>UB004K673919</b>	<b>5/1/2019</b>	<b>5/1/2020</b>	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER	
							E.L. EACH ACCIDENT	\$ <b>1,000,000</b>
							E.L. DISEASE - EA EMPLOYEE	\$ <b>1,000,000</b>
							E.L. DISEASE - POLICY LIMIT	\$ <b>1,000,000</b>
<b>D</b>	<b>Professional Liab.</b>			<b>107084166</b>	<b>5/1/2019</b>	<b>5/1/2020</b>	<b>Per Claim</b>	<b>5,000,000</b>
<b>D</b>				<b>107084166</b>	<b>5/1/2019</b>	<b>5/1/2020</b>	<b>Aggregate</b>	<b>5,000,000</b>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 All Coverages are in accordance with the policy terms and conditions.

RE: MVVA project #12003 – Waller Creek

Waller Creek Conservancy and the City of Austin shall be listed as additional insured with respects to general, auto, and umbrella liability where required by written contract. A Waiver of Subrogation and 30 Day Notice of Cancellation is provided in accordance with the policy terms and conditions.

## CERTIFICATE HOLDER

## CANCELLATION

<b>Waller Creek Conservancy</b> 211 E 7th St., Suite 712 Austin, TX 78701	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 